

# EXHIBIT 15

1 UNITED STATES DISTRICT COURT  
 2 NORTHERN DISTRICT OF CALIFORNIA  
 3 SAN FRANCISCO DIVISION  
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6 IN RE PACIFIC FERTILITY )  
 7 CENTER LITIGATION, ) Case No. 3:18-cv-01586-JSC  
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13 VIDEOTAPED & VIDEOCONFERENCED DEPOSITION of  
 14 PACIFIC MSO, LLC's 30(b)(6) designee  
 15 JOSEPH CONAGHAN, Ph.D.  
 16 November 13, 2020  
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24 CHERREE P. PETERSON, RPR, CRR, CSR No. 11108  
 25 468470



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13 VIDEOTAPED & VIDEOCONFERENCED DEPOSITION of  
14 PACIFIC MSO, LLC's 30(b)(6) designee JOSEPH CONAGHAN,  
15 Ph.D., taken on behalf of Defendant Chart, Inc.,  
16 remotely beginning at 2:15 p.m., Friday, November 13,  
17 2020, before CHERREE P. PETERSON, RPR, CRR, Certified  
18 Shorthand Reporter No. 11108.  
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A P P E A R A N C E S

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THE VIDEOGRAPHER:

RANDY A. YOUNG

1 MR. POLK: Joined.

2 THE WITNESS: No. We do not routinely conduct  
3 investigations into the adequacy of liquid nitrogen  
4 supplies.

15:00 5 Q. BY MR. DUFFY: Would it -- would it surprise  
6 you to learn that employees of Pacific MSO have  
7 encountered supply tanks running dry?

8 MR. TARANTINO: Assumes facts. Speculation.  
9 Incomplete hypothetical. Vague.

15:01 10 MR. POLK: Joined.

11 THE WITNESS: Every supply tank runs dry.

12 Q. BY MR. DUFFY: Have you ever seen a situation  
13 in your lab where you're running low on liquid nitrogen  
14 for all of the tanks -- well, strike that. Let me lay a  
15:01 15 little foundation.

16 So Tank 4 was supplied with a 22 psi supply  
17 tank; is that correct?

18 A. That is correct.

19 Q. And --

15:01 20 A. Actually, Tank 4 is supplied with two 22 psi  
21 supply tanks.

22 Q. Okay. Thank you. So there -- as I understand  
23 the setup of the lab, there are Tanks 1 through 6 and  
24 they are all connected to the same two 22 psi supply  
15:02 25 tanks; correct?

1 MR. TARANTINO: Vague.

2 THE WITNESS: There are two supply tanks  
3 connected to the auto fill system for the tanks -- for  
4 the tanks that store the tissue.

15:02 5 Q. BY MR. DUFFY: Right. And that's Tanks 1  
6 through 6; correct?

7 A. Yes.

8 Q. All right. And have you ever seen your  
9 employees when the supply tanks are running low and you  
15:02 10 don't have any others where they're filling up buckets  
11 of liquid nitrogen and then manually filling them into  
12 the tops of Tanks 1 through 6?

13 MR. TARANTINO: Vague. Compound. Assumes  
14 facts.

15:02 15 MR. POLK: Joined.

16 THE WITNESS: Yeah, you're mixing up a lot of  
17 facts there in your question.

18 Q. BY MR. DUFFY: Sure. Okay. Has it ever come  
19 to your attention in your lab that LN2 supply tanks run  
15:02 20 low when you don't have a backup tank to replace the one  
21 that's running low? Have you ever known that condition  
22 to be exist in your lab?

23 MR. TARANTINO: Assumes facts. Foundation.

24 MR. POLK: Joined.

15:03 25 THE WITNESS: The two supply tanks that are

1 connected to the auto fill system always have nitrogen  
2 in them.

3 Q. BY MR. DUFFY: So you wouldn't know of a  
4 situation where both of them were running low and you  
15:03 5 had no additional supply; is that correct?

6 MR. TARANTINO: Speculation. Compound. Vague.

7 MR. POLK: Joined. Asked and answered.

8 THE WITNESS: I'm not aware of such a  
9 situation.

15:03 10 Q. BY MR. DUFFY: Did you review any testimony of  
11 any of your colleagues at Pacific MSO to prepare for  
12 your deposition today?

13 A. No.

14 Q. Have you spoken -- have you spoken with --  
15:03 15 well, strike that.

16 Would it concern you that your colleagues would  
17 not have an adequate supply of liquid nitrogen feeding  
18 Tanks 1 through 6? Would that --

19 MR. TARANTINO: Vague. Lacks foundation. I'm  
15:04 20 sorry. Sorry. Go ahead.

21 THE REPORTER: Would you ask it again, please.

22 Q. BY MR. DUFFY: Sure. Would it concern you if  
23 you had insufficient LN2 supply for Tanks 1 through 6?

24 MR. TARANTINO: Vague. Incomplete  
15:04 25 hypothetical.



DEPOSITION OFFICER'S CERTIFICATE

(Civ. Proc. § 2025.520(e))

STATE OF CALIFORNIA           )  
  )       ss  
COUNTY OF CONTRA COSTA    )

I, CHERREE P. PETERSON, hereby certify:

I am a duly qualified Certified Shorthand Reporter, in the State of California, holder of Certificate Number CSR 11108 issued by the Court Reporters Board of California and which is in full force and effect. (Fed. R. Civ. P. 28(a)).

I am authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure, Section 2093(b) and prior to being examined, the witness was first duly sworn by me. (Fed. R. Civ. P. 28(a), 30(f)(1)).

I am not a relative or employee of any attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is a true record of the testimony given by the witness. (Fed. R. Civ. P.

1 30(f)(1)).

2 Before completion of the deposition, review of  
3 the transcript (xx) was ( ) was not requested. If  
4 requested, any changes made by the deponent (and  
5 provided to the reporter) during the period allowed, are  
6 appended hereto. (Fed. R. Civ. P. 30(e)).

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8 Dated: November 16, 2020

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